



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

ALC/DCP/PTH
F. #2016R00505

271 Cadman Plaza East
Brooklyn, New York 11201

February 8, 2019

BY ECF

The Honorable Brian M. Cogan
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Mark Nordlicht et al.
Criminal Docket No. 16-640 (BMC)

Dear Judge Cogan:

The government writes to respectfully request a clarification of the Court's February 7, 2019 Order (the "Order") extending the return date of subpoenas issued by the defendants pursuant to Rule of Criminal Procedure 17(c) ("Rule 17(c)") to two weeks after the Court's decision on the government's motion to quash those subpoenas. The Order requires the defendants "to inform the recipients of the subpoenas at issue in the 526 Motion to Quash" of the extension. *Id.* The government's original motion to quash advised that the defendants had issued numerous Rule 17(c) subpoenas to various recipients, but provided detailed information about only two such subpoena recipients, including their names. See Docket No. 526. Since the Order was issued, the government has received inquiries from subpoena recipients who were not specifically named in the motion—but who received subpoenas with similar requests the government has asserted are improper—who seek clarification as to whether the extension in the Order applies to all subpoena recipients, and thus whether they can also await the Court's decision on the government's motion to quash to respond. In order to properly inform these individuals as to their obligations, the government respectfully seeks clarification from the Court that the Order can be applied to all individuals and entities that received Rule 17(c) subpoenas

from the defendants, and that the return date for all such subpoenas is extended by the Order to two weeks after the Court's decision on the government's motion to quash.

Respectfully submitted,

RICHARD P. DONOGHUE
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cc: Clerk of the Court (BMC) (by ECF)
Defense counsel (by ECF)